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OFFICE OF PETITIONS

In re Application of
Berkner, et al.
Application No. 09/920,003
Filed: July 31, 2001
Attorney Docket No. 74451.P125

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 20, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on July 31, 2001 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On April 11, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on July 26, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.¹

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

¹ See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35uscl22b2binterpret.htm>.

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded.

The application file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions